

SIKKIM



GOVERNMENT

GAZETTE

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No. 01

GOVERNMENT OF SIKKIM
TOURISM & CIVIL AVIATION DEPARTMENT
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No. 01/DoT&CAv.

Dated: 05.01.2019

NOTIFICATION

In exercise of the power conferred by Section 19 of the Sikkim Greenfield Airport, Pakyong (Settlement of Claims for Loss and Damages) Act, 2018, (14 of 2018), the State Government hereby makes the following Rules, namely:-

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| Short title,
extent and
commencement | 1. (1) This Rules may be called the Sikkim Greenfield Airport, Pakyong (Settlement of Claims for Loss and Damages) Rules, 2019.
(2) They shall extend to the whole of Sikkim.
(3) They shall come into force at once. |
| Definition | 2. In these Rules, unless the context otherwise requires and unless there is anything repugnant in the subject or context,-
(a) "Act" means the Sikkim Greenfield Airport, Pakyong (Settlement of Claims for Loss and Damages) Act, 2018.
(b) "Award" includes both interim and final order upon adjudication of a claim petition. |
| Claim
Application | 3. (1) Any person who is aggrieved due to loss to his property or land or crops arising out of construction of the airport, may file claim petition giving details and extent of loss duly supported by evidence and giving proper Schedule of the property and duly indicating the details of the respondents and their address.
(2) All such claim petition shall be supported by affidavit duly sworn before the competent authority.
(3) The applicant may also file petition for interim relief giving the reason and the details for such interim claim petition duly indicating the details of the respondents and their address. Five copies of the petition and interlocutory application, if any, should be filed for effecting service on the respondents/other parties. |

- (4) No application may be dismissed at the preliminary stage and in all cases notice be issued to the opposite parties.**
- (5) Notwithstanding anything contained in these Rules, where any claim application has stood transferred to the office of the Claims Commissioner in terms of Section 18 of the Act in respect of the same, notice shall be issued to the claimants and other parties as per the provisions of the Act.**
- Adjudication of claim petition**
- 4. For the purpose of assessment of the valuation of property, land, crop or for assessment of depreciation of value in property, land or crop relating to the claim petition, the same shall be decided after hearing the parties.**
- Adducing of evidence for adjudication of claim petition**
- 5. (1) The Claims Commissioner may for the purpose of adjudicating and giving his findings appoint any competent person for the purpose of inspection and giving reports after conducting survey of the affected property or crop or land and may take the statement of such person in the vicinity of the area where the affected land or the property or the crop stands and submit report containing his observation and all such reports shall be filed within a period of 15(fifteen) days from the date of direction by Claims Commissioner for such inspection and report or the Claims Commissioner may himself inspect and give finding.**
- (2) The Claims Commissioner may also issue summon to such persons or organization or body or authority as may be considered necessary for the purpose of adjudicating the claim petition and for taking evidence both oral and documentary by recording their statement.**
- Production of document**
- 6. The Claims Commissioner for the purpose of adjudicating a claim petition may direct any appropriate authority or person for the purpose of production of such document as would be considered necessary and relevant for disposing a claim petition.**
- Notice to the opposite parties**
- 7. (1) Where a claim petition has been filed or is transferred in terms of provision of Section 18 of the Act, Claims Commissioner will issue notice to the opposite parties along with a copy of the petition for the response reply by the opposite party to the claim petition.**
- (2) All such reply must be filed within a period of 30 (thirty) days from the date of receipt of the notice/ summon issued by the office of the Claims Commissioner.**
- Residuary matter**
- 8. The Claims Commissioner may deal with any other issue relating to proceeding of a claim petition in a manner as may be considered expedient or by passing such order as may be deemed appropriate.**

**Secretary,
Tourism and Civil Aviation Department**